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JAN 12 2022

RICHARD W. NAGEL, CLERK OF COURT  
COURT OF COMMON PLEAS, COLUMBUS, OHIO  
Gerry Ruff

C/O 551 Vista Drive

Gahanna, Ohio [43230]

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
COLUMBUS**

**GERRY RUFF**  
Plaintiff

VS

**PORTFOLIO RECOVERY  
ASSOCIATES, LLC**  
Defendant.

CASE # **2:22 CV 0114**

JUDGE: **Judge Sargus**

MAGISTRATE JUDGE JOLSON

TCPA, FDCPA

**JURISDICTION**

1. This action arise out of Defendants violation of the Fair Debt Collection Practice Act, 15 U.S.C 1692 et seq (“FDCPA”), and the harassment of Plaintiff by Defendants and its agents in their illegal efforts to collect a consumer debt.
2. Supplemental jurisdiction exist pursuant to 28 U.S.C 1337.

3. Venue is proper in this District pursuant to 28 U.S.C 1391(b), in that the Defendant transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

### **PARTIES**

4. The Plaintiff, Gerry Ruff ("Plaintiff"), is a natural person residing in Columbus , Ohio, and is a "consumer" as the term is defined by 15 U.S.C 1692a(3).
5. Defendant PORTFOLIO RECOVERY ASSOCIATES, LLC. is a foreign limited liability company servicing agent address of CORPORATION SERVICE COMPANY 50 WEST BROAD STREET SUITE 1330 COLUMBUS OH 43215, United States, operating as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C 1692a(6).

### **PRELIMINARY STATEMENT**

6. This is an action for statutory damages brought by Plaintiff against Defendant for Violations of the Fair Debt Collection Practices Act (FDCPA)15 U.S.C. § 1692 e(2)(A)
7. This is an action for statutory damages brought by Plaintiff against Defendant for Violations of the Telephone Consumer Protection Act (TCPA) 47 U.S.C. § 227.
8. This is an action for Statutory damages brought by Plaintiff against Defendant.

### **FACTUAL ALLEGATIONS**

9. On Januaray 8, 2021 i received a phone call from Defendant PORTFOLIO RECOVERY ASSOCIATES, LLC on my cellular device.
10. Around July 2021 after being denied credit, i plaintiff requested a copy of my credit file.

11. I plaintiff reviewed my credit file and noticed an account that i have no knowledge about being reported by PORTFOLIO RECOVERY ASSOCIATES, LLC.
12. On August 18, 2021 i received a phone call from Defendant PORTFOLIO RECOVERY ASSOCIATES, LLC on my cellular device.
13. On November 17, 2021 i received a phone call from Defendant PORTFOLIO RECOVERY ASSOCIATES, LLC on my cellular device.
14. On November 18, 2021 i received a phone call from Defendant PORTFOLIO RECOVERY ASSOCIATES, LLC on my cellular device.
15. On November 17, 2021 i received a phone call from Defendant PORTFOLIO RECOVERY ASSOCIATES, LLC on my cellular device.

**COUNT 1**  
**VIOLATION OF FAIR DEBT COLLECTION**  
**PRACTICES ACT (FDCPA) 15 U.S.C . § 1692 e(2)(A) BY DEFENDANT**  
**PORTFOLIO RECOVERY ASSOCIATES, LLC**

16. Plaintiff alleges and incorporates the information in paragraphs 1 through 15.
17. Plaintiff Gerry Ruff have never entered into any contract with Defendant PORTFOLIO RECOVERY ASSOCIATES, LLC.
18. Plaintiff have no financial obligation to defendant.
19. Defendants violated 15 U.S.C. §1692 e(2)(A) by misrepresenting the character and amount of a debt on plaintiff credit file.

**WHEREFORE**, Plaintiff demands judgment for statutory damages of \$1,000.00 One Thousand Dollars and the alleged debt to be cleared from Plaintiff credit file with Injunctive relief.

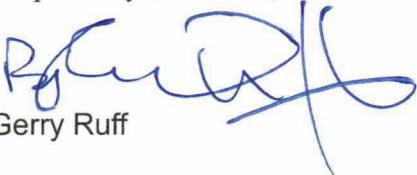
**COUNT 2**  
**VIOLATION OF TELEPHONE CONSUMER**  
**PROTECTION ACT 47 U.S.C. § 2277 U.S.C (b) (1)(A)(iii)**

20. Plaintiff alleges and incorporates the information in paragraphs 1 through 19.
21. On January 18, 2021, August 18, 2021, November 17, 2021, November 18, 2021, November 19, 2021 plaintiff received unsolicited call on his cellular device from the defendant without plaintiffs expressed written consent.

**WHEREFORE**, Plaintiff demands judgment for statutory damages against defendant for \$500.00 per violation totaling \$2,500.00 Two Thousand and five hundred Dollars and the alleged debt to be cleared from Plaintiff credit file with Injunctive relief.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff prays that judgment be entered against Defendants for all damages allowable (including statutory, actual, compensatory, nominal and punitive the total of which Plaintiff claims more than \$3500.00), costs, expenses, attorney fees, injunctive relief to prevent further violations, and the alleged debt to be cleared from plaintiff credit file with prejudice.

Respectfully Submitted,

  
Gerry Ruff